REMARKS

Adams *et al.* describes at col. 4, line 38 *et seq.* a "lump" 28, 30 fixed within the gel 20 with elastomeric threads 22, 24, or at col. 5, lines 45 *et seq.*, lumps 62, 68 are supported with hemispherical silicone members 59, 64 which encapsulate the lumps. Model 40 of FIG. 2 uses a plurality of flexible, electronically conductive strips 46 (col. 6, lines 61 *et seq.*) and a pressure conductive polymer layer 48, thereby forming a matrix of switches. A computer interfaces to the matrix (col. 8, lines 11 *et seq.*). The trainee must throw a switch when she detects the lump at a location on the matrix (col. 8, lines 50 *et seq.*).

FIG. 1 is merely showing one way to mount the lump inside the breast model. Nothing electrical happens in FIG. 1 without adding the FIG. 2 electronic skin to it; see col. 7, lines 12 *et seq.*

Therefore, in order to function as an electronic lump detection training device, Adams *et al.* requires many components including a skin mounted matrix of electric switches, a computer, a manual switch to identify when the lump is found, and finally some type of mechanical support for the lump in the breast.

The Examiner is in error to define silicone membrane 59 as a "sensor." Membrane 59 is merely one embodiment of a mechanical mounting means for the lump; see col. 5, lines 51 *et seq.*

Applicant has grossly simplified the invention of Adams *et al.* Applicant's claim 1, as shown in his FIG. 1, only requires a lump connected to a switch, wherein moving the lump triggers the switch to activate an alarm. Adams *et al.* does not teach or suggest

attaching a lump to a switch. Many third world countries and/or low budget schools could benefit from Applicant's claim 1 invention. Only a relatively high cost system can practice the invention of Adams *et al.*

Simplicity can be patentable. Simplicity by itself does not negate patent ability. *Diamond Rubber Co. of New York v. Consolidated Rubber Tire Co.*, 220 U.S. 428, 31 S.Ct. 444, 552 L.Ed. 527 (1911); *Goodyear Tire & Rubber Co. v. Ray-O-Vac Co.*, 321 U.S. 275, 64 S.Ct. 593, 88, L.Ed. 721, 60 U.S.P.Q. 386 (1944). Invention resides in a simpler apparatus to obtain results similar to those obtainable by a more complex apparatus. *In re Michlin*, 256 F.2d 317, 118 U.S.P.Q. 353 (C.C.P.A. 1958); *Chesapeake & O. Ry. Co. v. Kaltenbach*, 124 F.2d 375, 52 U.S.P.Q. 115 (4th Cir. 1941).

The one (Applicant in this case) who first makes the discovery frequently has done more than make an obvious improvement which would have suggested itself to a mechanic skilled in the art, and such an invention is entitled to the grant of a patent thereon. *In re Sporck*, 301 F.2d 686, 133 U.S.P.Q. 360 (C.C.P.A. 1962); *Expanded Metal Co. v. Bradford*, 214 U.S. 366, 29 S.Ct. 652, 53 L.Ed. 1034, (1909); State Industries, Inc. v. Mor-Flo Indus., Inc. 639 F.Supp. 937, 231 U.S.P.Q. 242 (E.D.Tenn. 1986), *aff'd without op.*, 818 F.2d 875 (Fed.Cir 1987), , *cert. denied,* 484 U.S. 845, 108 Sup. Ct. 140, 98 L.Ed.2d 97 (1987), , later proceeding 8 U.S.P.Q.2d (E.D.Tenn. 1971), *aff'd in part, vacated in part by* 833 F.2d 1573, 12 U.S.P.Q.2d 1026 (Fed.Cir. Aug 31, 1989), *reh'g denied* (Sep 28, 1989) *suggestion for reh'g denied en banc* (Nov 9, 1989),*and cert. denied,* 493 U.S. 1022, 110 S.Ct. 725, 107 L.Ed.2d 744 (1990), *on remand to* 17 U.S.P.Q.2d 1706 (E.D.Tenn. 1990, *aff'd,* 948 F.2d 1573, 20 U.S.P.Q.2d 1738 (Fed.Cir. Nov 14, 1991), *and reh'g denied* (Dec 12, 1991).

Simplicity of invention does not militate against validity. *Indecor, Inc. v. Fox-Wells & Co.*, 642 F. Supp. 1473, 1 U.S.P.Q.2d 1847 (S.D.N.Y. 1986); *In re Chu* 66 F.3d 292, 36 U.S.P.Q.2d 1089, 1094 (Fed.Cir. 1995); *Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH*, 139 F.3d 877, 45 U.S.P.Q.2d 1977, 1981 (Fed.Cir. 1998); *see, Great Northern Corp. v. Davis Core & Pad Co., Inc.*, 226 U.S.P.Q. 540 (N.D.Ga. 1985), *aff'd*, 782 F.2d 159, 228 U.S.P.Q. 356 (Fed.Cir. 1986) ("The simplicity of an invention is not a factor in determining its patentability and does not indicate obviousness, standing alone."); *In re Oetiker* 977 F.2d 1443, 24 U.S.P.Q.2d 1443 (Fed.Cir. 1992); *Winner Int'l Royalty Corp. v. Wang*, 11 F.Supp.2d, 48 U.S.P.Q.2d 1139, 1144 (D.D.C 1998), *aff'd,* 202 F.3d 1340, 53 U.S.P.Q.2d 1580 (Fed.Cir. Jan 27, 2000), *reh'g denied* (Mar 6, 2000), *and cert. denied,* 530 U.S. 1238, 120 S.Ct. 2679, 147 L.Ed.2d 289 (2000).

Applicant respectfully requests passage to allowance of all claims.

Respectfully submitted,

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